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Federal Communications Commission  
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Administration of the ) CC Docket No. 92-237  
 ) Phases One and Two  
North American Numbering Plan )

To: The Commission

**COMMENTS OF AMERICAN PERSONAL COMMUNICATIONS**

American Personal Communications<sup>1/</sup> ("APC") applauds the efforts of the Commission and the telecommunications industry to establish a new entity to administer the North American Number Plan ("NANP"). APC submits these comments<sup>2/</sup> to underscore the importance of transferring responsibility for assigning central office ("CO") codes expeditiously to a centralized and impartial third party and to support the request of the Personal Communications Industry Association ("PCIA") for the establishment of an industry numbering Oversight Committee to manage numbering policy developments and to exercise administrative oversight of an impartial North American Numbering Plan Administrator ("NANPA").

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<sup>1/</sup> American PCS, L.P., d/b/a American Personal Communications.

<sup>2/</sup> Administration of the North American Numbering Plan, Notice of Proposed Rulemaking, CC Docket No. 92-237, Phases One and Two, FCC 94-79, adopted March 30, 1994, released on April 4, 1994.

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**I. THE DUTY OF ASSIGNING CO CODES SHOULD BE TRANSFERRED TO A CENTRALIZED AND INDEPENDENT THIRD PARTY AS SOON AS POSSIBLE.**

To ensure that PCS and other wireless providers can compete with entrenched competitors, the Commission should transfer responsibility for assigning CO codes to a centralized and impartial third party as soon as possible and provide equal opportunity for all affected parties to take part in resolving numbering plan area ("NPA") code exhaustion issues and CO code assignment. Wireless service providers need access to two crucial limited resources -- spectrum and numbers. Spectrum is assigned by the Commission consistent with the public interest. Numbers -- in particular CO codes -- currently are distributed on a regional basis by monopoly local exchange carriers ("LECs"). As a consequence, the current plan requires PCS (and other wireless) service providers -- who need both geographic and nongeographic codes -- to turn to their competitors for this crucial resource.

This current method of assigning CO codes has resulted, and will likely continue to result, in unfair and discriminatory treatment of wireless providers. Indeed, in numbering plan area ("NPA") code splits, wireless providers continue to be treated unequally and are not given non-discriminatory access to new CO codes,<sup>3/</sup> even though LECs

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<sup>3/</sup>William Smith, Chicago's Busy Signal, Chicago Sun Times, May 11, 1994, at p.63. Jim Kharouf, Whose Area Code Will Change? Hold, Please, Daily Southtown, May 11, 1994.

often blame the wireless industry for consumer disruption caused by area code splits. Additionally, assigning CO codes on a regional -- as opposed to a centralized and national -- basis often results in contradictory interpretations of the guidelines and does not foster the development of industry-wide solutions to numbering issues. However, if CO codes were assigned by a centralized and impartial entity, all affected parties could equally participate in the process, thereby placing wireless providers on a more level playing field with entrenched competitors.

**II. THE COMMISSION SHOULD ESTABLISH AN INDUSTRY  
NUMBERING OVERSIGHT COMMITTEE AND APPOINT AN  
INDEPENDENT IMPARTIAL THIRD PARTY CONTRACTOR  
NANP ADMINISTRATOR.**

APC agrees with PCIA that the Commission should establish an industry numbering Oversight Committee that would 1) manage numbering policy developments taking place within an Industry Numbering Forum; and 2) provide administrative management of the new NANPA.<sup>4/</sup> APC also agrees with PCIA that the new NANPA should be impartial and independent and that the Commission should establish a sponsoring organization for the Oversight Committee that would provide administrative support and perhaps legal counsel on basic issues.

APC notes that in the NPRM, the Commission has tentatively identified the Alliance for Telecommunications

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<sup>4/</sup>APC also supports PCIA's cost-based plan for financing the NANPA.

Industry Solutions ("ATIS") as a potential sponsor.<sup>5/</sup> ATIS, formerly the Exchange Carrier Standards Association, is a LEC dominated organization; no independent wireless providers are board members. Should the Commission recognize ATIS as the sponsoring organization, APC recommends that the Commission direct ATIS to meet the following conditions:

1. Sponsorship would convey no special or exclusive rights to ATIS or any members of ATIS beyond that of an equal participant in the Oversight Committee and Industry Numbering Forum in:

a. The selection or appointment of any potential leadership or staff positions within an Oversight Committee, Industry Numbering Forum, or NANPA;

b. The development or approval of numbering policy;

c. The administrative supervision of the future NANPA.

2. ATIS recognizes that NANPA will follow only those numbering policies and procedures developed and approved by the Industry Numbering Forum and Oversight Committee respectively, and decisions of the regulatory bodies with jurisdiction of countries participating in the North American Numbering Plan;

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<sup>5/</sup> NPRM at ¶ 15.

3. ATIS recognizes that the Oversight Committee and Industry Numbering Forum answer only to those regulatory bodies with jurisdiction of countries participating in the NANP.

4. ATIS's board represents the diversity of service providers utilizing NANP resources.

**CONCLUSION**

Creating a pro-competitive and non-discriminatory number allocation mechanism is the first step to ensuring that wireline and wireless services will be able to compete on the beginnings of a level playing field. Although the Commission has deferred the issue of local number portability to a future proceeding, APC urges the Commission to establish an industry timeline to implement local number portability. If PCS is to provide competition to the local loop, it will need both local number portability and favorable interconnection rights.

Respectfully submitted,

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